IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2481 of 2005

Between:

K. Micheal Devadanam, S/o. K. Rajarathnam,
A.P.S.W. Residential School for Girls (Velugu-Phase-II),

Gundlakunta Village, Peddamudiam Mandal,
Kadapa District.

..... PETITIONER

AND

1 The District Collector/Chairman,

District S.C.S.C.S Limited, Kadapa.
2 The Secretary,

A.P. Social Welfare Residential Educational Institutions
Society, (Regd), Social Welfare Office Complex,

Masab Tank, Hyderbad.
3 Smt. S. Sridevi, Convenor/Principal,

A.P.S. Welfare Residential School for Girls,
Chinnachowk, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ in the nature of a Writ of Mandamus or any other appropriate Writ, direction, order or orders declaring the proceedings in RC.No.A/21/2003 dated 20-01-2005 issued by the 1st respondent in repatriating the petitioner to the S.C. Corporation, Kadapa from the 2nd respondent's school ie., A.P.S.w.Residentail School for Girls (Velugu-II) Gundlakunta Village, Peddamudiam Mandal, Kadapa District as wholly arbitrary, illegal, without jurisdiction and void and pass such other order or orders as this Hon'ble Court may deems fit and proper int eh circumstances

of the case.

Counsel for the Petitioner:MR.V.ESWARAIAH CHOWDARY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed with a prayer to declare the proceedings in RC.No.A/21/2003, dated 20-01-2005, issued by the first respondent, as illegal and without jurisdiction.

2. The learned counsel appearing for the petitioner contended that the first respondent-District Collector, Kadapa vide his proceedings, dated 28-11-2002, absorbed the petitioner in the schools under the control of the second respondent society and, therefore, the petitioner cannot be repatriated. Hence, the impugned proceeding suffers from serious legal infirmities.

3. As seen from the impugned proceedings, dated 20-01-2005, issued by the first respondent-District Collector, the petitioner, who is Junior Assistant-cum-Typist, along with some others were directed to be repatriated to their parent department and also directed the Principals of the concerned schools to relieve the petitioner and also other employees immediately and send the compliance report. There is no order passed by the second respondent to show that the writ petitioner was absorbed in the second respondent society. Therefore, the petitioner cannot have

any right to remain in the second respondent society. Even as per the proceedings of the first respondent-District Collector, dated 28-11-2002, the petitioner along with some others were found to be surplus staff and they were allotted and absorbed to the schools under the control of second respondent society. The first respondent-District Collector can allot certain candidates to the second respondent society, but, he cannot absorb them to the schools under the control of second respondent society. It is for the second respondent society to take appropriate decision. There is no proceeding of the second respondent society showing that the petitioner was absorbed to the second respondent society and therefore, the petitioner cannot have any right to challenge the impugned order.

4. The writ petition is devoid of merits and the same is dismissed. No costs.

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K.C.BHANU, J

Date: 15-02-2005

Prv

To

1 The District Collector/Chairman,

District S.C.S.C.S Limited, Kadapa.
2 The Secretary,

A.P. Social Welfare Residential Educational Institutions
Society, (Regd), Social Welfare Office Complex,

Masab Tank, Hyderbad.
3 Smt. S. Sridevi, Convenor/Principal,

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Chinnachowk, Kadapa.

4 Two CCs to the GP for Social Welfare, High Court Buildings,

Hyderabad (O.U.T.)

5 2 CD copies.